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ELIMINATION OF RACIAL DISCRIMINATION

MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION

Report of the Secretary-General

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II. "Allemagne: Bilan des actes criminels xénophobes survenus en 1991". Extrait de La Lettre de la Fédération Internationale des Droits de l'Homme, No. 420 du 26 novembre 1991 et No. 432/433 du 5 mars 1992 [French only]

III. "Table of racist incidents in Australia", Human Rights and Equal Opportunity Commission, from Racist Violence. Report of the National Inquiry into Racist Violence in Australia, Canberra, Australian Government Publishing Service, 1991 [English only]

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* These documents may be consulted at the United Nations Centre for Human Rights.

Introduction

1. At its forty-second session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1990/2, in which it expressed deep concern regarding signs of an upsurge of racism, with accompanying manifestations of prejudice, discrimination, intolerance and xenophobia in many parts of the world directed against ethnic, national, religious and linguistic minorities, indigenous peoples, migrant workers and other vulnerable groups.

2. In paragraph 4 of the resolution, the Sub-Commission requested the Secretary-General to prepare, on the basis of replies obtained from Governments, specialized agencies and other intergovernmental organizations, as well as from non-governmental organizations, an overview of current trends in racism, discrimination, intolerance and xenophobia affecting the above-mentioned groups, as well as of measures taken by Governments against those phenomena and the effects of such measures, and to submit the overview for consideration by the Sub-Commission at its forty-third session.

3. In compliance with the Sub-Commission's resolution, a request was addressed on 28 February 1991 to all Governments, specialized agencies, regional intergovernmental and non-governmental organizations, inviting comments and relevant information that might be taken into account in the preparation of the report to the Sub-Commission.

4. In view of the number of replies received - from three Governments, three intergovernmental organizations and one non-governmental organization, the Secretary-General, in a note dated 5 June 1991 (E/CN.4/Sub.2/1991/12) informed the Sub-Commission at its forty-third session that the overview called for in the resolution could not be prepared.

5. At its forty-third session, the Sub-Commission adopted resolution 1991/2, in which it renewed its request to the Secretary-General to prepare an overview of current trends in racism, discrimination, intolerance and xenophobia affecting indigenous peoples, migrant workers and other vulnerable groups, and to submit the overview for consideration by the Sub-Commission at its forty-fourth session. In the same resolution, the Sub-Commission requested the Secretary-General to submit, at its forty-fourth session, a report on serious incidents attributable to racism, racial discrimination and xenophobia that take place in any part of the world, including the measures taken by the Governments concerned in response to these incidents.

6. In compliance with the Sub-Commission's resolution, a request was addressed on 15 November 1991 to all Governments, specialized agencies and intergovernmental and non-governmental organizations. This report has been prepared on the basis of positive or negative replies from 14 Governments, three specialized agencies, one intergovernmental organization and six non-governmental organizations. According to the request by the Sub-Commission, the report should present a global analysis of racism and xenophobia throughout the world, but it largely describes the situation in Europe, North America and Australia and, to a lesser extent Latin America, in view of the information available.

7. With reference to ethnic antagonism or any cases of discrimination towards certain ethnic groups in Africa and Asia, the Secretary-General has received no information. Actually, the Secretary-General is of the opinion that it is for the Sub-Commission to specify whether such cases fall within the mandate assigned to him and to consider any further action. To make up for a certain lack of information, more particularly in examining new racist ideologies or highlighting serious incidents attributable to racism, racial discrimination and xenophobia, the Secretary-General deemded it advisable to use additional sources when they were reliable; these sources are indicated by a cross-reference to the bibliography.

I. OVERVIEW OF CURRENT TRENDS IN RACISM, RACIAL DISCRIMINATION, INTOLERANCE AND XENOPHOBIA

1. Ideological foundations of contemporary racism, intolerance and xenophobia

8. The source of racism in Europe at the present time lies in a new ideology. Whereas racism from the fifteenth to the nineteenth centuries was based on a pseudo-scientific thesis that there is a specific biological inequality between the races, the new ideological "racialization" emphasizes allegedly insurmountable differences between cultures. "These forms of neo-racism no longer presuppose biologist dogmatism and plain inequality in the relations between the races, (...), but stem from a makeshift ideology that has two essential props: defence of cultural identity, and praise of the difference both between individuals and between communities, as reflected in the 'right to be different'" (No. 1: Taguieff, 1989, p. 362).

9. In this connection, the French National Advisory Commission on Human Rights points out that the barriers and the racism that now affect immigrants, chiefly those of North African origin, are no longer a mere repetition of the barriers and the racism experienced by waves of immigrants in the past. Racism has evolved, taken on new manifestations and given rise to a "'neo-racism' that has to be clearly defined." (No. 2: Commission nationale, 1992, p. 9) This change in racist views can be explained by the break-up of racist myths that is the result of scientific studies conducted on an international scale, largely under the auspices of UNESCO. Modern science has been able to show that the word "race" is practically devoid of biological meaning and, consequently, has eliminated any claim to a superiority-inferiority relationship (No. 3: "Study ...", paras. 255-256).

10. Now, at the close of the twentieth century, racist theories tend to stress the anthropological characteristics of the target groups. For example, racist ideology emphasizes the unique nature of the languages, religions, mental and social structures and value systems of immigrants of African, Arab or Asian origin, for instance, in order to justify the need to keep human communities separate. It even goes so far as to contend that preserving their identity is in the interest of the communities concerned. By asserting a radical cultural pluralism, the new racism based on cultural difference tries, paradoxically, to look like genuine anti-racism and to show respect for all group identities. "The feature of neo-racism, therefore, is first of all a return to the values of cultural relativism (a shift from 'race' to 'culture' and an assertion of the profound incommunicability of cultures), an end to claims about inferiority, which are elevated to the suprematism of cultural difference, and hence a condemnation of any mixing and an assertion that 'cultures' can in no sense be assimilated" (No. 2: op. cit., p. 152). These comments relate more specifically to France, but are shared by other analysts (No. 4: Goldberg, 1990). In actual fact, the intolerance preached by racists denies the fundamental rights of foreigners and ethnic minorities, who are placed beyond the pale. So-called respect for cultural specificity conceals hatred for others. The victims of racism today are no longer simply

biologically different, but culturally and socially differentiated from racial discrimination per se: the theory behind racism has therefore moved towards ethnic discrimination (No. 1: op. cit., pp. 368-369; No. 5: SIM, 1988, p. 28).

11. When it is aimed more particularly at the Jewish community, racist ideology tries to use allegedly scientific arguments to deny racist historical events whose authenticity is beyond question. For example, the revisionists try to show that the Nazi gas chambers and concentration camps never existed and, accordingly, the extermination of millions of Jews in the Second World War is a pure fabrication. Revisionism therefore seeks to deny the holocaust and can be seen as a new form of anti-Semitism. The revisionists have publishers and magazines to spread their views and they sometimes command sympathy in university circles. The main centres of revisionism are in France and in Germany, where a meeting of 300 revisionists was held on 23 March 1991 in Munich.

12. The new forms of racism exist alongside the upsurge in nationalism in Europe and the consolidation of a European identity. Nationalist arguments are designed as a means to bring about greater awareness and greater nation-wide or continent-wide cohesion in the face of an "invasion" of immigrants from outside Europe who are said to be placing the national identity and the European identity in jeopardy. It is even possible to speak of "incorporating neo-racism into nationalism" (No. 2: op. cit., p. 149). Yet nationalism is manifested not only to the detriment of clandestine immigrants but also immigrants who have lived in the host country for many years and have acquired a new nationality. This is true of the "anti-North African and anti-Beurs" grievances in France, where the Beurs are for the most part French people of North African origin. Nationalism in Europe is fuelled by the fear caused by Europe's demographic lag vis-à-vis the rise in the population of the southern hemisphere (No. 7: Lesourne, 1992, p. 14).

13. Moreover, the emergence of nationalism might be explained by the paradoxical phenomenon of "delinkage" and "relinkage" typical of societies in Europe today: they are marked by the break-up of the basic community cell (family, village, parish, workshop), by paradigms of division and separation, by a social situation of "delinkage", in other words, a breakdown in basic ties. Since they suffer from their solitude, members of these societies seek to belong and they aim at "relinkage", i.e. at being linked again, and in a different way (No. 8: Bolle de Bal, 1992, p. 23). Nationalism performs this "relinkage" function.

14. In Eastern Europe, the ideological vacuum created by the disappearance of communism has gradually been filled by dawning nationalism and resurgent anti-Semitism. For example, bloody clashes recently occurred in various towns and cities in Czechoslovakia, involving attacks on Vietnamese students, and people were wounded and killed on both sides. Czech Gypsies have also been beaten up by extreme right-wing skinheads. Anti-Semitism is becoming alarming in Hungary, Czechoslovakia and Romania. Moreover, in Romania there is increasing animosity towards the Hungarian and Gypsy minorities (No. 6: op. cit., p. 85; No. 9: IANA, pp. 7-8).

15. In a broader context, the resurgence of racism would appear to be a reaction by nationalist forces to the present process towards integration. In its communication, the organization Planetary Citizens takes the view that, accompanying this process towards integration and synthesis are patterns of reaction and manifestations of the apparent opposite of integration, namely fragmentation and dissolution of some national and regional units. The increasingly accelerating process of integration can be expected to provoke many different kinds of reactions, among which are the separative tendencies observable in the increased incidents of racism and racial discrimination. Such reactive patterns may be seen as symptoms of a long-term and system-wide process of integration whereby societies and regions most apt to react to the process of psychological integraton and synthesis are likely to be those which have historically been the most fragmented and diverse and have experienced, either openly or suppressed, tendencies of fragmentation and discrimination amongst and between their national, religious, ethnic and linguistic minorities or other vulnerable groups.

16. However, that increase in racism and racial discrimination in its many aspects is but one of the symptoms and reactions to the far-reaching and deep changes in awareness humanity has been and increasingly will be experiencing. In other words, what appeared to be unprecedented and perhaps surprising transformations on the one hand are of necessity paralleled by a resurgence of suppressed racial animosities on the other, with both trends likely to continue. Therefore, it is only in conceiving of both trends simultaneously as symptoms of a process of humanity's evolving consciousness that effective means to combat the most separative and destructive symptoms, such as racism and racial discrimination, can be found.

17. Racism and its corollary, racial discrimination, thus conflict with universalism and cannot disappear unless they are replaced by other attitudes, by economic, political and social structures which take account of current developments worldwide and the emergence of new ways of thinking. In this regard a number of observers now wonder whether it might not be necessary to challenge the original principle of the nation as a means of regulating relations between human communities (No. 10: Gundara, pp. 30-49; No. 2: op. cit., pp. 260-288). Operating as it does on a binary system, in other words, by explicitly drawing or implicitly insisting on distinctions between the local and the foreign, between nationals of "old stock" and naturalized immigrants, between the minority and the majority, the concept of the nation inevitably leads to antagonism between various populations living on any given territory. Yet it is essential to take account of the factor that modern nations are more often than not pluri-racial, pluri-ethnic, pluri-religious and multicultural. In short, a number of analysts take the view that racism can be vanquished only if the myth of the nation as a homogeneous mono-ethnic entity - the outcome of the common aspirations of its members - is challenged and gives way to trans-national, trans-racial, trans-ethnic, trans-religious and trans-cultural concepts that guarantee equal rights for all people living in a political and social area, whether in existence or in the process of being created (No. 11: Nowak, p. 17; No. 10: op. cit., p. 47). In a universal context, this would ultimately signify the disappearance of nations and nationalities.

2. Organized racism and political manifestation of racism

18. Clearly, the spread of racism and intolerance in many countries in Europe can be ascribed to political organizations and small independent groups, with Fascist and neo-Nazi tendencies. The report by the European Parliament (No. 6: op. cit.) concerns the following countries: Austria, Belgium, Czechoslovakia, Denmark, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Norway, Poland, Romania, Spain, Sweden and the United Kingdom. A study on racism prepared by the Turkish Democratic Foundation (Türk Demokrasi Vafki), transmitted to the Centre for Human Rights on 29 May 1992, covers the same countries (No. 12: Türk, 1992). In the past 10 years, there has been a proliferation of extreme right-wing political parties in Europe. The best known include Jean-Marie Le Pen's Front National in France; the Republikaner (REP), headed by the former Waffen-SS Frantz Schönhuber, in Germany; the British National Party (BNP), under John Tyndall, in the United Kingdom; and Carl Hagen's Fremskrittspartiet, in Norway. Jorg Haider's Partei Osterreich, in Austria, and the Vlaams Blok, headed by Karel Dillen, in Belgium, dominate the far right. Unlike most of the extreme right-wing parties and other organizations, with a membership ranging from 300 to 30,000, the Front National has 100,000 members and 200,000 sympathizers (No. 6: op. cit., p. 26).

19. The policies common to extreme right-wing parties are "the nation first", the expulsion of foreigners and refugees, anti-Semitism and discrimination against such minorities as Gypsies. These parties have grown stronger and have an increasingly larger constituency. They command 5 to 15 per cent of the vote. For example, in France's latest regional elections (April 1992), the Front National accounted for more than 13 per cent of the vote; in the general elections in Belgium in November 1991, nearly half a million Belgians, or 8 per cent of the votes cast nationwide, favoured extreme right-wing candidates; the score of the extreme right-wing parties in Germany was around 10 per cent. In local elections, these parties may account for 25 to 60 per cent of the vote in some countries (No. 6: op. cit., pp. 12-47). The presence of extreme right-wing politicians in national parliaments and regional and local institutions has helped to establish the legitimacy of their parties and turn them into normal parties on the national political scene. Europe's extreme right wing keeps in close contact through international meetings, including those in Antwerp (1987), Courtrai (1988) and Alverhingen (1989) in Belgium, and in Munich (1991) in Germany.

20. The dominant political parties attract swarms of small radical neo-Nazi groups which do not hesitate to resort to terror, to use physical violence against immigrants, refugees, Gypsies and Jews and to attack the property of members of these communities. The skinheads are a movement of this kind. Ill-organized, the movement started out in Great Britain in the 1960s and gradually spread to other European countries. It consists of young people, often with a very poor education, dropouts who do not hesitate to wear Nazi emblems and to use violence against immigrants and other vulnerable groups (No. 6: op. cit., pp. 50-53). The skinhead movement is frequently

taken over or manipulated by extreme right-wing parties so as to engage in violent actions (No. 2: op. cit., p. 33). It has recently appeared in Portugal and "carried out acts of violence, including acts of a racist nature. It has approximately 400 members, a Nazi ideology marked by extreme nationalism and it uses violence against its 'enemies', particularly Africans, Indians and Jews", the Portuguese Government says in its communication.

21. In the United States, there has been an increase in racism and racist acts provoked by extreme right-wing organizations or fundamentalist Christian organizations, such as the Ku Klux Klan and the Christian Identity Movement. In a survey conducted from 1983 to 1990 on the subject of racial and religious bigotry, the United States Commission on Civil Rights adds that the "neo-Nazi skinheads represent a unique and frightening phenomenon in the history of white supremacism in America. Originally teen gangs, they are now being organized into a national network by older white supremacist groups, such as the White Aryan Resistance and the Aryan Nations. Not since the Ku Klux Klan of the 1950s has a white supremacist group been so obsessed with violence, and so reckless in its disregard for the law, (...) The targets of its violence were said to have included not only blacks and Jews but Asian Americans, American Indians, Hispanics, and some whites as well" (No. 13: United States Commission on Civil Rights, Intimidation ..., 1990, p. 7).

22. In Russia, the nationalist and anti-Semitic Russian organization Pamyat is continuing to grow. It has support centres in Moscow (approximately 30,000 members) and Leningrad (approximately 40,000 members), where it promotes a climate of terror vis-à-vis Jews and other national minorities (No. 6: op. cit., p. 46; No. 14: International Council of Jewish Women, 1992). In Romania the Vatra Romanesca organization is openly racist and proclaims its intention of continuing its merciless fight against the Hungarian, German and Gypsy minorities, which it regards as impure races (No. 6: op. cit., p. 46). In Hungary the collapse of the communist regime has also opened up the political arena to extreme right-wing tendencies; the emergence of groups of skinheads has been reported along with the circulation of pamphlets with the arrowed cross emblem of the traditional Hungarian movement (No. 6: op. cit., p. 46).

3. Increase in racism among the public

23. In the majority of European countries, racist or xenophobic sentiments are shared by an increasingly large percentage of the population. A survey conducted in October and November 1988, with the findings published in 1989, reveals the serious nature of the phenomenon of racism and/or xenophobia in Europe, since one European in three considered the presence of persons of another nationality or race in his country as an imposition while a large minority of the persons questioned considered the presence of immigrants in their country as a somewhat negative sign for the future (No. 6: op. cit, p. 117).

24. Surveys in other countries show that 40 to 50 per cent of the population of the countries concerned have xenophobic and/or racist inclinations. According to a survey in February and October 1990, a great many French people consider that racism is widespread in France - very widespread according to 30 per cent, fairly widespread for 52 per cent, while 41 per cent declare themselves to be fairly (13 per cent) or slightly (28 per cent) racist (No. 2: op. cit., p. 47). In his statement to the forty-seventh session of the Commission on Human Rights, Mr. Paul Bouchet, President of the National Advisory Commission on Human Rights, (No. 15: Bouchet, 1991, para. 36) referred to the "fact that a certain kind of racism was becoming commonplace and that there was a gradual breaking down of hitherto respected taboos". In its report the National Advisory Commission on Human Rights claims that racism in France normally tends to be subtle rather than flagrant (No. 2: op. cit., p. 59). The manifestations of xenophobia, rejection, or latent conflict are the expressions of an existential discontent and have spread throughout the country and into all social strata, threatening to leap across the barrier into genuine, aggressive and assertive racism at any moment. The ideological justification is weak, although headway can be seen in arguments stemming from a distorted image of Islam. The reasons invoked are, more often than not, economic, cultural and social.

25. In Italy, surveys also show a prevalant xenophobia and mounting racism. One of the surveys in particular states that 51 per cent of the interviewees reacted negatively to the influx of immigrants. The Italian Government has declared in a communication that the presence in Italy of persons from outside the Community has led, since 1985-1986, to consequences which in some respects also occur in other European countries. Especially because of the difficulties of controlling the entry of persons mainly from African, Latin American and Asian countries, arriving in Italy as tourists and then extending their stay illegally, there has been an increase in disquieting phenomena. On the one hand, clandestine immigration has given rise to numbers of marginalized people and, on the other, to forms of exploitation and poorly paid work without the necessary guarantees of assistance and social security. In their turn, these phenomena have produced a concentration of clandestine immigrants in urban areas as well as outside the towns and cities. The sometimes insalubrious state of their housing, the lack of stable paid work, and an increasingly greater number of households have helped create situations of contrast or even conflict with the rest of the local residents.

26. In Switzerland, the behaviour of part of the population is marked by deeply entrenched racial prejudices and by xenophobia, both in day-to-day relations with foreigners and in political attitudes. From a sociological point of view, according to the Federal Council, there is an interaction between racism and the problem of migration. The growing influx of individuals who, for all sorts of reasons, want to leave their own countries and settle in Switzerland is such as to arouse fear and cause outbreaks of a hostility which has been latent until now. This hostility is reinforced by a comparison between the apparently favoured treatment asylum seekers receive in terms of social assistance and the situation of poor Swiss nationals. Rejection of foreigners and their isolation in a kind of ghetto make for permanent marginalization, with all its associated secondary effects, and as a

result a further rejection by the Swiss population (No. 16: Conseil fédéral, 1992). According to the recent findings of an institute which has analysed the surveys made in Switzerland over the past 10 years on behaviour and opinions vis-à-vis foreigners, xenophobia is gaining ground; only 41 per cent of the Swiss report a favourable attitude towards foreigners, as compared with 61 per cent 10 years ago. Xenophobic feelings are very strong among the young, the older sectors of the population and the workers; it is more widespread in the German-speaking cantons than in the French- and Italian-speaking cantons.

27. In Germany, racism continues to be taboo in view of the country's recent history, but it does exist. It is the hidden forms of racism which predominate in German society. Citing German authors, the report of the European Parliament states that it is implicitly accepted that German culture and civilization are superior and that conflict between different cultures are only the natural result of an innate preference of human beings for their own kind (No. 6: op. cit., p. 157).

28. The thing that emerges from the situations referred to above is the correlation between immigration, the arrival of asylum seekers from non-European countries in particular, xenophobia and racism. However, in terms of numbers, the statistics do not reflect the saturation pointed out in the arguments against foreigners in Europe. Out of a total population estimated at 320 million, in 1987, some 30 million immigrants were living in the 12 Member States of the European Community. Of these, approximately 8 million (2.5 per cent) were nationals of third countries, nearly 2 million of them from developed and industrialized countries. Approximately 5 million persons from other States members of the Community (1.5 per cent) live in Community territory (No. 6: op. cit., p. 138). National averages of non-EEC immigrants for 1987 varied between 3 and 5 per cent of the population. In France, for example, the Institut national d'études démographiques (National Institute for Population Studies), following its lengthy critical analysis of the 1982 and 1990 censuses, has concluded that the number of foreigners in France has actually gone down from 6.8 to 6.3 per cent between 1982 and 1990. Although the number of Europeans has indeed decreased, there has only been a small increase in non-EEC foreigners (2.6 to 3.1 per cent), which is not the invasion of the country proclaimed in certain political circles (No. 2 op. cit., p. 66). What does emerge as a fact in a number of European countries is the concentration of immigrants and refugees of non-European origin in some urban areas, creating a high profile effect because of their physical differences, most of them coming from North Africa, Black Africa or Asia.

29. Observers tend to attribute the spread of both xenophobia and racism to extreme right-wing political organizations and to the media. The extreme right-wing parties are behind the invasion syndrome and stir up hate by their calls to reject foreigners. As for the media, they tend to encourage latent racism by providing a vehicle for fantasies about immigration and clichés about immigrants, and using exaggeration or caricature. Through the media, immigrants are therefore associated with delinquency, drugs, AIDS, third world

poverty, Muslim fundamentalism and terrorism. In handling information on immigration or on asylum seekers, the press tends to stress figures and statistics which can be described as explosive, such as the increase in the numbers of immigrants or asylum seekers (No. 6: op. cit., pp. 155-158; No. 2: op. cit., pp. 61-68).

30. Xenophobic and racist feelings are also exacerbated by the economic slump in the European countries, where immmigrants are scapegoats for the unemployed. In the United States, the "affirmative action" or positive discrimination policy aimed at improving the economic and social conditions of the ethnic minorities (see also para. 62 below) is causing some resurgence of racism within the white majority inasmuch as this policy is perceived as a form of anti-white discrimination (No. 17: William, 1991). Competition for economic resources can be seen as one of the factors in the growth of xenophobia and racism both in Europe and in the United States.

31. Mention should also be made here of the appearance of so-called vicious computer games which help to spread anti-Semitism. These games, which are distributed by unidentified neo-Nazi groups, include "Concentration Camp Manager", "Total Auschwitz", "Turk Village", "Aryan Test", "Hitler No. 1 Dictator"; the subject matter is the elimination of the Jews, gypsies and Turks and an expanding Germany. According to a survey by the Simon Wiesenthal Centre, 39 per cent of Austrian schoolchildren know about them and 20 per cent have played them. These Fascist games apparently originated in Germany but also came from the United States. In early May 1991, the Austrian authorities filed proceedings against X to prevent them from spreading further (No. 18: FIDH, Letter No. 409, p. 7; No. 14: op. cit.). Of a similar nature are the numerous anti-Semitic publications that abound throughout the world and particularly the work "Protocols of the Elders of Zion", a notorious forgery which appeared in Russia during the Tsarist period claiming to demonstrate the existence of a Jewish plot to take over the world. This book has been widely circulated in a number of Arab countries and also has a not inconsiderable readership in Turkey (No. 14: op. cit.).

4. Discrimination in employment and housing

32. A recent ILO working paper on discrimination of migrant workers in Western Europe examined the situation of first and second generation migrant workers in the major European countries (Belgium, Germany, France, the Netherlands, Switzerland and the United Kingdom) employing non-nationals. It examined, inter alia, the specific problems faced by these migrant workers in their attempt to find or change jobs, their educational achievement and how it affects their transition from school to work and the disrimination faced by them at enterprise level. The report observes that discrimination in employment of migrant workers in Western Europe is pervasive and widespread. In spite of the fact that it is forbidden by law, discrimination against them exists in direct and indirect forms and impedes the migrant workers' ability to compete on an equal footing with the national workforce. They are concentrated at the lower levels of the labour market and have limited access to on-the-job training, and promotion to positions of responsibility. They also have higher unemployment rates - double that of nationals, and these

rates are even higher for youngsters and women. People responsible for discriminatory exclusion of migrant applicants tend to hide behind other people's prejudices or the economic interests of the firm. Since everyone blames somebody else, discrimination is not only pervasive, but also extremely hard to tackle. The educational attainment of the second-generation migrants is reported to be low. The migrants have a high school drop-out rate and limited access to apprenticeship. At the enterprise level, migrants work in a hostile environment as "inferior" and are made to undertake unrewarding tasks. With economic recession, the discrimination aginst them has increased. They run a higher-than-average risk of becoming unemployed and, once they are, they have little chance of finding another job. The study stresses that vigorous action to combat discrimination against these migrant workers is urgently required (No. 19: Zegers de Beijl, 1991).

33. In the United States, the official unemployment rate for the black population is put at 12.1 per cent, while it is 11.3 per cent for whites. However, according to the National Urban League, if account is taken of persons who have given up looking for a job, and there are 1,250,000 out of 1,666,000 black unemployed, the real rate of black unemployment is 22.2 per cent. The organization further adds that black job-seekers are subjected to more discrimination than whites in finding a job (No. 20: National Urban League, 1991).

34. In a number of European countries, immigrants and ethnic minorities are faced with discrimination in access to housing. In the town of Lerida, in Spain, when no one wanted to rent to black workers, many of them were forced to live in wooden huts, without gas, electricity or running water. A Spanish newspaper article condemned a similar situation facing a Moroccan community of 600 persons in an industrial area of Barcelona. Similarly, in Portugal, many owners refuse to rent flats to Africans (No. 6: op. cit., pp. 66 and 77). Immigrants are therefore relegated to insalubrious and poor-quality housing. In some countries, particularly in France and the United Kingdom, there is a tendency to concentrate immigrants and ethnic minorities in certain areas, thus forming ghettos and helping to marginalize these populations. In the United States, a 28-city survey indicated an average statistical breakdown of the homeless to be 48 per cent black and 34 per cent white (No. 21: U.S. Mayors, 1990). Using as a particular example New York State, where the population is 17 million, blacks comprise only 14 per cent of the State's total population, but nearly 60 per cent of the homeless (No. 22: African-American, 1991).

5. Situation of indigenous populations

35. As to the situation of indigenous peoples vis-à-vis racism and discrimination, particularly in the social and economic sphere, mention should be made of several initiatives by the International Labour Office and the Food and Agriculture Organization of the United Nations.

36. The ILO states in its communication that it has noted a certain number of positive trends in the treatment of indigenous and tribal peoples in a number of countries. This relates in particular to a new readiness on the part of Governments to consult them before undertaking development and other projects

that affect them, and even to involve them actively in the management of these projects. A tendency on the part of Governments to reconsider their own administrative structures as they affect indigenous and tribal peoples, and to request assistance from the international community to bring their procedures into line with international human rights standards, can also be noted in a certain number of cases. The United Nations Centre for Human Rights has itself provided assistance to Guatemala in this connection, on that Government's request. The ILO has provided assistance, or is about to begin providing it, to Bolivia, Mexico, Venezuela and several others in relation to the possibility of ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169) and Conventions on related questions. Consultations are under way with Governments in South-East Asia on the possibility of providing assistance to them in improving the situation of tribal peoples, and a wide-ranging research project on access to land for indigenous and tribal peoples is about to be undertaken by ILO.

37. The ILO Committee of Experts on the Application of Conventions and Recommendations noted in its 1991 report that several countries had recently taken positive measures to improve the situation of these peoples inside their territories: Argentina, Bangladesh, Bolivia and Brazil, all reported measures of this kind. Several countries have indicated their intention of ratifying Convention No. 169. However, in far more cases, indigenous and tribal peoples continue to be the subjects of discrimination, mistreatment, even genocide. They are virtually always the poorest, and the most discriminated against; they have the highest rates of infant mortality and prison occupation, and the lowest education levels and the poorest health. Many large-scale development projects impinge on their lands and drive them from their homes. The positive examples cited above indicate that Governments are beginning to acquire a greater awareness of the needs and of the priorities where these people are concerned, but this awareness is far from universal. This being said, no particular worsening of this tendency has been noted; it is rather that the poor situation in which these peoples have always found themselves has continued in most cases.

38. FAO, within its mandate in agricultural and rural development, continues to give priority attention to those programmes and activities which enhance the participation of disadvantaged rural groups in planning and decision-making processes, thus contributing to their own self-reliance and to meeting their basis socio-economic needs. Therefore, FAO cannot but concur with the importance attached by the United Nations Sub-Commission to the promotion of basic human rights and protection of fundamental freedoms of ethnic, religious and linguistic minorities, indigenous peoples, migrant workers and other vulnerable groups. The Organization has given increasing attention to the socio-economic problems of indigenous populations in developing countries, and in particular their access to productive resources and their integration in the development process.

39. More specifically, a review of the situation of indigenous populations of Latin America and the Caribbean was carried out in the context of the Fourth Government Consultation on the Follow-up to the World Conference on Agrarian Reform and Rural Development (WCARRD), which was held in Montevideo, Uruguay,

in August 1987. It may be appropriate to point out that the Consultation, in its Recommendations, deemed it pertinent to request Governments and international agencies to pay greater attention to the problems of indigenous populations in the Region and adopt measures aimed at assuring their cultural identity as well as guaranteeing property rights and usufruct of the natural resources which are historically their own.

40. In April 1990, an inter-agency mission on the follow-up to WCARRD was undertaken to Paraguay. One of the recommendations of the mission concerned the regularization of lands of the indigenous populations. More specifically, the mission recommended that:

(a) The Government should give first priority to the pending procedures of distribution and titling of land in favour of the indigenous populations, particularly those in the eastern region of the country;

(b) The Paraguayan indigenous populations have mastered and promoted an ecologic sustainable development. The creativity and knowledge in this field should be stimulated and spread among them;

(c) Large development projects, especially of the infrastructural type, have caused the involuntary displacement and dispersal of some indigenous communities. Special efforts should be made to group the affected indigenous families again, especially those in a critical situation;

(d) The Government should rectify any paternalistic and integrationalist perspective towards indigenous populations. Their life and interests such as health, religion, social and economic organization, should be treated with dignity and respect for their autonomy. The Government should promote the participation and consolidation of the indigenous populations' organizations at the local, provincial and national level.

(e) The ratification of Convention No. 169, on Indigenous and Tribal Populations, adopted in 1989 by the Labour International Conference, is recommended. In this context, the Government should promote and support the non-governmental organizations' initiatives to promote awareness of this important Convention.

41. Action by the Government of Mexico illustrates the improvement in relations between indigenous populations and the national authorities. The Mexican Government describes in its communication some of the measures taken to improve the living conditions of the indigenous populations. These cultures were first of all recognized as an essential part of Mexico's cultural heritage, and it was essential to preserve their identity by means of a deliberate policy. It was with this in mind that the National Indigenist Institute was set up in 1984 for promoting education and culture among the indigenous populations and ensuring that they are fairly governed. The Institute implements projects to improve the living conditions of the Indian populations and makes recommendations to the Executive for appropriate measures to solve their problems.

42. The strategies the National Indigenist Institute has adopted, not only to alter the living conditions of the Indians but also to strengthen their culture and encourage their participation in decisions affecting them, include the following:

(a) Encouraging community participation so that the planning of the development process is controlled by the community itself. Community planning committees have been established for this purpose; they are at the core of indigenist action and include both public and traditional authorities and representatives of the various communities. These bodies shape the projects to be implemented and assess the activities conducted by the National Indigenist Institute;

(b) Strengthening and development of community bodies and assignment of tasks to improve the living conditions of the indigenous populations and permit a more balanced relationship with the rest of society;

(c) Ensuring that the communities obtain maximum profit from their own resources in terms of their own needs;

(d) Contributing to the development of community capacities so that these populations gradually become less dependent on national institutions to resolve their problems;

(e) Organizing and granting priority to action by the indigenous populations to solve basic problems in terms of their geographical context; and

(f) Setting up conditions for the technical task of facilitating inter-community actions.

43. The Congress of the Mexican Union will also consider at its current session an initiative from the Executive to amend article 4 of the Constitution so as to enable the various indigenous peoples to assert themselves fully in social, cultural and legal terms. Under this constitutional proposal, the indigenous peoples will be more involved in the administration of the States in which they live. In this context, the National Solidarity Programme (PRONASOL) recognizes indigenous peoples and communities as being of prime importance; its purpose is to combat extreme poverty, particularly among indigenous populations.

II. SERIOUS INCIDENTS ATTRIBUTABLE TO RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA IN VARIOUS COUNTRIES

44. This section lists serious incidents of racial discrimination or xenophobia which occurred between 1985 and 1992. Specifically, these were attacks on human life, physical violence, attacks on property, bombing attacks, burning down of immigrant workers' or refugees' hostels, desecration of tombs, police violence and racist threats.

1. Situation in France

45. States which, like France, systematically record racist or xenophobic acts perpetrated in their territory are few in number. The French Ministry of the Interior distinguishes between two major categories of manifestations of racism:

(a) Racist "acts", which include attacks using explosives, physical aggression, depredations and fires, and shooting at individuals. In this category, the Ministry of the Interior has listed the number of victims of racism, either injured or dead, for the years 1990 and 1991.

(b) Racist "threats", which take the form of graffiti, pamphlets and insults and smallscale depredation.

46. In 1991 there were 91 racist acts and 501 threats. Compared with 1990, the Ministry of the Interior noted in general an increase in racist acts (72 in 1990) and a decline in threats (650 in 1990). Of the racist acts, the damage to property and fires increased more rapidly than did acts of physical aggression or shootings. Attacks with explosives decreased. The acts and threats were aimed at a number of ethnic groups (blacks, North Africans, Jews, Gypsies, Asians, etc.), but more particularly at Jews and North Africans. For a breakdown of the statistics and the comments of the French Ministry of the Interior, members of the Sub-Commission may wish to consult annex I to this report in the files of the secretariat of the Centre for Human Rights.

2. Situation in Germany

47. In Germany, arson was committed on 17 May 1987 at Wuppertal, causing the death of a Greek couple and their son and leaving 18 other foreigners with serious burns. A similar event took place at Schwandorf on 17 December 1988, when a Turkish couple and their son perished in a fire along with a German head of family who was in fact their neighbour. The young 19-year old German who had started the fire and allegedly belonged to extreme right-wing groups, said his only reason was that he hated foreigners. In Hamburg, in 1988, a group of young people attacked and molested a Turkish woman before pushing her in the path of an oncoming car (No. 6: op. cit., p. 63).

48. During 1991, racist acts increased. The Federal Crime Bureau (BKA) statistics for the year show a resurgence of racism and of public violence unprecedented since the end of the Second World War. In all, 2,370 criminal acts with xenophobic motives were committed, including 338 acts of arson, 219 physical assaults, 1,813 offences (destruction of property, harassment, threats and incitement to crime). Two deaths were also recorded by the BKA in the Saar and at Dresden (No. 23: FIDH, Letter No. 432/433, p. 4). Arson, more particularly setting fire to foreigners' hostels in the ex-GDR, has reached a point at which human rights and anti-racism organizations such as the International League of Human Rights in Berlin and

SOS Racism (Berlin section) use volunteers to ensure a permanent day and night guard in front of 35 hostels for foreigners (No. 24: FIDH, Letter No. 412/413, p. 7). In addition, in 1991, there were reportedly 200 desecrations of Jewish cemeteries both in East and in West Germany (No. 14: op. cit.).

3. Situation in Belgium

49. In Belgium, the Turks and North Africans, numbering around 300,000 persons, are the immigrant communities that are the least liked and most discriminated against, although the growing number of black African asylum seekers increasingly produces serious cases of violence and/or harassment against Africans (mainly residents and students from Zaire and Ghanaian asylum seekers) in the form of systematic and abusive identity checks and the beating up of black asylum seekers in the transit centre at Zaventem airport in Brussels (No. 6: op. cit., p. 58).

4. Situation in Denmark

50. In Denmark, the most notorious racist act dates back to July 1986, when 2,000 young people launched a concerted night attack against a hostel with 247 asylum seekers from Iran, Sri Lanka and Lebanon to protest against the influx of refugees (No. 6: op. cit., p. 61).

5. Situation in Spain

51. In Spain, it is the North African and the Gypsy communities which are worst treated. Despite the implementation since October 1985 of an ambitious "National Plan for Gypsy Development", violent acts, particularly arson, have been perpetrated against entire communities of Gypsies. During one such event, in July 1986, 30 Gypsy families from Andalusia, following a fire which destroyed their homes, had to flee to a neighbouring village. They were not allowed in. When they arrrived in the next town, there was fighting, and they were finally forced to take refuge in tents supplied by the Spanish Red Cross under the protection of the Civil Guard. Three months later, in the town of Ciudad Real, another group of Gypsies was obliged to flee following a case of arson (No. 6: op. cit., p. 66).

6. Situation in Italy

52. In Italy, at the end of February 1990, during a carnival night at Florence, some 200 persons wearing masks and carrying baseball bats and iron bars attacked blacks and Gypsies in the centre of town, seriously injuring some of them. This climate of violence continued into March, and spread to Rome, Varese, Turin, Caserta, Catania, Leghorn, Madera, Milan, etc., with Molotov cocktails being thrown at immigrant reception centres, the burning of four vehicles belonging to immigrants, physical attacks by skinheads, expulsions from rented flats and refusals to rent to immigrants (No. 6: op. cit., p. 72).

7. Situation in Norway

53. In Norway, the number of violent attacks on foreigners quadrupled during 1989 and 1990. There were a number of murders, as well as attacks on shops and houses belonging to foreigners; bombs, torches or firearms were used. In May 1989, a bomb exploded in the Red Cross Refugee Centre at Eidsvoll, and 49 asylum seekers only just escaped death (No. 6: op. cit., p. 83).

8. Situation in the Netherlands

54. Although the situation has not deteriorated in the Netherlands as much as in some other European countries, there are problems of relations between the police and the ethnic minorities. The latter are under-represented in the police forces mainly because of racial harassment. In addition, for some time now there has been a respite in outbreaks of violence; the most recent dates back to 10 August 1986, when it took the form of a bomb attack which destroyed the front of a café frequented by immigrants at Schiedam (No.6: op. cit., pp. 76 and 77).

9. Situation in Portugal

55. In Portugal, there are records of instances of police brutality and on two occasions of the murder of Africans; one was allegedly beaten to death by the police, the other shot dead following behaviour described as violent. Some claim that the most racist police officers are those who fought in the colonial wars in Angola, Cape Verde, Guinea-Bissau and Mozambique (No. 6: op. cit., p. 77).

10. Situation in the United Kingdom

56. In the United Kingdom, racist aggression has taken the form of hooliganism aimed at terrorizing ethnic minority groups; their children are faced with all kinds of harassment and violence of a racial nature while at home they receive threats by phone and find faeces or racist pamphlets in their letterboxes. In London, in 1989, the police reported an average of six racist incidents per day and put the annual number of racist cases at 7,000 until a survey of the Policy Studies Institute suggested that this total could be ten times as many: many victims did not take the trouble to report what had happened to them, particularly because they did not trust the police. This increase in racial incidents may in part be attributed to the Salman Rushdie affair; this author's book The Satanic Verses was condemned as blasphemous by a large number of Muslims and publicly burned on 13 January 1989 (No. 6: op. cit., p. 79).

11. Situation in Sweden

57. During the summer of 1989, a series of violent racial clashes took place in Sweden, between refugees and young Swedes in small towns like Eksilstuna, Lesjöfors, Ovenum and Jönköping. For example, a refugee was seriously injured at Jämblant when a bomb exploded under his car; an Eritrean family

at Amby (Småland) was attacked in the middle of the night by a gang of young Swedes dressed like the Ku Klux Klan; hundreds of young Swedes and immigrants fought a bloody battle in virtual gang warfare in Eksilstuna and Lesjöfors (Värmland). As in many other countries, the cemetery of the victims of the Nazi concentration camps (mainly Soviet, Yugoslav and Hungarian deportees) at Lund was desecrated in May 1990. Tombs were damaged and crosses broken (No. 6: op. cit. p. 84).

12. Situation in Switzerland

58. Switzerland saw a serious escalation of violence against foreigners and refugees/asylum seekers between 1989 and 1990, in the form of cases of arson, raids with firearms against transit centres for foreigners or asylum seekers, and so on. Following an inquiry into the burning down of a wooden hutment in which four Tamils met their deaths, government representatives reported on 16 August 1989 that it was probably a criminal act. The authorities have not always been prompt to act. In November 1989, although the police were actually on the spot in a transit centre for asylum seekers in Steinhausen, in the canton of Zug, they did not intervene when an extreme right-wing group of 30 persons looted the centre and attacked its coordinator; the police officials present considered that the incident did not constitute a punishable offence, but the Swiss press condemned the scandal and pointed out that a similar event had taken place in late September 1989 in the same area (No. 6: op. cit., p. 82). A survey conducted in 1991 by the asylum seekers' aid organization Arbeitstelle für Asylfragen shows that of 121 asylum seekers interviewed, 42 per cent had been insulted in some way, manhandled or assaulted (No. 25: Le Courrier). The Prosecutor-General of the Swiss Confederation, for his part, recorded 70 cases of violence in 1991 against asylum seekers (No. 26: Journal de Genève).

13. Situation in Hungary

59. Mention should be made of the situation existing in Hungary. An argument between two Nigerian nationals and a group of Hungarian youths in the underground railway station of Köbanya-Kispesti on 11 January 1992 resulted in the death of a Hungarian. Following this incident, attacks on foreigners, particularly from Africa, have increased, as acts of collective vengeance. For example, on Terez Boulevard, some hours after the Köbanya-Kispesti drama, three Sudanese students were attacked by some 30 skinheads; the victims were injured but were able to escape. At the Western Station (Nyugati Palyandwas) a young Nigerian was attacked; in trying to defend himself with a knife, he wounded one of his attackers; the police then arrived and arrested the African, who was detained for two days. About a hundred acts of this type have already been listed (No. 27: FIDH, Letter No. 434-435, p. 9).

14. Situation in Czechoslovakia

60. Bloody clashes took place in 1990 in various Czechoslovak towns during which Vietnamese students were attacked and deaths and injuries regrettably, occurred on both sides. There were also cases of Czech Gypsies being beaten up by extreme right-wing skinheads. The situation has been described as

increasingly tense" and 20 Vietnamese students from Pilsen have written to President Havel to plead for their safety. Following this, Czechoslovakia announced the gradual repatriation of the approximately 37,000 Vietnamese immigrant workers it employs (No. 6: op. cit., p. 85).

15. Situation in the United States

61. Figures showing a resurgence of anti-Semitic type violence in the United States have been collected by the non-governmental organization, Anti-Defamation League of B'nai B'rith (ADL) and quoted by the Commission on Civil Rights: "ADL records show that since 1980 there has been a significant increase in reported episodes of anti-Semite vandalism (387 in 1980, 715 in 1984 and 823 in 1988). In 1980, the ADL also began to compile statistics on reports of a more serious form of anti-Semitic intimidation and violence, namely 'harassments, threats and assaults'. The number of such incidents reported in 1988 was more than quadruple the 1980 figure (458 up from 112)" (No. 13: op. cit., p. 4).

62. Innumerable racist acts have also been committed against African-American, Amerindian, Hispanic, Asian and Jewish students. On predominantly white American campuses, these acts take the form of physical attacks, harassment and racist posters and graffiti. "According to the Department of Justice, requests for assistance to the Justice Department's Community Relations Service (CRS) since 1986 have increased significantly; from 1987 to 1988, the number of alerts (formal notifications of tensions or conflicts) filed went from 48 to 77. In 1988, the Anti-Defamation League of B'nai B'rith noted that the incidence of anti-Semitism on campus since 1987 escalated from a steady increase during the previous five-year period to a dramatic 271" (No. 28: United States Commission on Civil Rights, Bigotry ..., 1990, p. 5). The basic factor behind this racial antagonism is the competition between white students and ethnic minorities for access to limited resources, including scholarships. In this regard the white students challenge to the "affirmative action" programme that enables ethnic minorities to benefit from equal opportunities in education (see also para. 30 above). They see the growth in the numbers of blacks, Hispanic, Asian and American students as a danger to the material privileges to which they believe they are entitled (No. 28: op. cit., p. 44).

16. Situation in Australia

63. In 1988, the Australian Human Rights and Equal Opportunity Commission carried out a national inquiry on racist violence. The report it submitted to Parliament on 18 April 1991 concluded that racial violence in Australia was the result of racist attitudes which were found both in public and private institutions. Although racism is not at the levels observed in other countries, the report notes that it is sufficiently serious for action to be taken and concludes that current measures are inadequate (No. 29: Human Rights - Australia, 1991). Violence against Aboriginals, Asians, Arabs and Africans ranges from insults, harassment, and racist remarks, posters and written material to physical attacks. This violence is attributable either

to the police or to extreme right-wing groups or to private persons. A list of racist incidents between 1988 and 1989 is contained in annex III to this report, which members of the Sub-Commission may wish to consult in the files of the secretariat of the Centre for Human Rights.

III. MEASURES TAKEN AT THE NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

64. The majority of States which are experiencing a resurgence of racism and xenophobia are (with the exception of the United States) parties to the International Convention on the Elimination of All Forms of Racial Discrimination and/or have adopted constitutional, legislative and administrative measures to prevent or combat racism, racial discrimination and xenophobia. However, certain instruments are limited in scope and do not provide means of punishing all acts of a racist character. Moreover, the enforcement of the instruments may be confronted with problems relating, for example, to the production of evidence in cases involving racism. Because of the limited framework of the present report, it is unfortunately not possible to comment on all the constitutional, legislative and administrative measures adopted by States; stress will accordingly be laid on those elements which appear to be essential. If necessary, the members of the Sub-Commission may wish to refer to the global compilation of national legislation against racial discrimination, recently published by the Centre for Human Rights (No. 30: Global compilation). The provisions of a constitutional, legislative and administrative nature are in some cases supplemented by measures in the areas of policing and education, and by measures of an economic and social nature.

65. In the context of the European Community, the measures adopted to suppress racism consist in curbing immigration, promoting the integration of immigrants already settled in the territories of member States, and harmonizing asylum policies so as to control the entry of asylum-seekers more closely (No. 31: Commission of European Communities, 1991).

1. Constitutional and legislative measures

66. All the European States - with the exception of the United Kingdom, which ensures the protection of human rights and fundamental freedoms by means of legislative provisions - have included in their Constitutions provisions which guarantee equality of rights and, in particular, prohibit racial discrimination: Germany (Fundamental Act, art. 3); Denmark (art. 70); Austria (arts. 7 and 14); Spain (arts. 1 and 14); France (Constitution, art. 2, of 1958); Greece (art. 5); Hungary (art. 61); Italy (art. 3); Netherlands (art. 1); Portugal (art. 13); Romania (Constitution, art. 17, of 1965); Sweden (art. 15). This is also the case with Australia (art. 117), Canada (art. 15) and the United States (15th amendment). Generally speaking, these guarantees extend to foreigners, except in the case of political rights. Certain States have adopted laws specifically concerned with the repression of racism and racial discrimination; the scope of these laws varies from one country to another.

Belgium

67. In Belgium, the Act of 30 July 1981 aimed at the prohibition and punishment of certain acts motivated by racism or xenophobia establishes penalties for any incitement to discrimination, segregation, hatred or racist violence. Article 2 is intended to guarantee the right of anyone to access to all places and services intended for public use, such as means of transport, hotels, restaurants, cafes and auditoriums. Article 3 prohibits membership of a group or association which practises or advocates discrimination or racial segregation and the act of giving assistance to such a group or association. The enforcement of this article is, however, subject to two conditions: the group or association must advocate racial discrimination in an overt and repeated manner; and second, the activities in question must be liable to constitute a disturbance of the peace.

France

68. In France, the Act of 1 July 1972 constitutes the first stone of the legislative edifice integrated within the Penal Code and within the Freedom of the Press Act of 29 July 1981, as amended. Other Acts, adopted in 1975, 1977, 1983, 1985 and 1987, which bear witness to the legislature's constant concern to combat racism and xenophobia in whatever form they may be manifested or expressed, have supplemented the earlier legislation.

69. Lastly, the Act of 13 July 1990 amended certain provisions of the Penal Code and supplemented the Press Act of 29 July 1981, and the Audiovisual Communication Act of 29 July 1982. Essentially, it has two innovative features: it adds to the arsenal of penalties available in cases of discrimination and it creates a new offence, the questioning of crimes against humanity. Penalties are thus imposed:

(a) By the Press Act (amended Act of 29 July 1981) for: incitement to discrimination and racial hatred (art. 24); defence of war crimes and crimes against humanity (same article); defamation and racial insult (arts. 32 and 33);

(b) By the Penal Code, for: discriminatory refusal to provide a commodity or service; dismissal or refusal of employment based on discrimination; discrimination aimed at jeopardizing recognition of a right (Penal Code, arts. 187-1, 187-2, 416 and 416-1).

70. Reference should also be made to article 31 of the Files, Data Processing and Freedoms Act of 6 January 1978, which prohibits the storing, except with the express agreement of the person concerned, of data indicating racial origin. The purpose of the Act of 31 December 1987 was to supplement that of 16 July 1949 relating to publications intended for young people by providing that the Ministry of the Interior may prohibit the sale to minors, display or advertising of publications constituting a threat to young people emphasis of the attention given to discrimination or racial hatred.

United Kingdom

71. In the United Kingdom, the Race Relations Act of 1976 prohibits racial discrimination in the areas of employment, education and access to capital goods and services, including housing. Incitement to racial hatred is prohibited by the Public Order Act of 1936, under the terms of section 5.A of this Act, it is an offence for any person to publish or distribute writings or, in any public place or at any public meeting, to make remarks that are threatening, offensive or insulting and liable to arouse hatred towards any racial group in Great Britain. Over and above this provision, the various Governments that have succeeded each other in the United Kingdom have considered that, provided they act within the limits prescribed by the law, individuals should have the right to form political organizations and that they may be refused this right only in exceptional circumstances. The legal prohibition is therefore limited to organizations whose avowed objectives are terrorism and the overthrow of the State through violence. Requesting financial assistance for an organization is not an offence, unless that organization is banned by law.

Australia

72. In Australia there is a Federal Act (Racial Discrimination Act of 1985) and laws within the various federated States which prohibit and punish racial discrimination. The Federal Act is very broad in scope and applies throughout the country. It is intended to prohibit discrimination in access to social facilities and public places, access to land and housing, the supply of goods and services, and employment. It establishes penalties for racist propaganda and publications and incitement to racial hatred or racist violence. It also prohibits participation in, or support for, activities aimed at promoting racial discrimination.

Canada

73. In Canada, the Canadian Act on the rights of the person adopted in 1977 is the key instrument in efforts to combat racial discrimination. This Act prohibits racial discrimination in the areas of services, goods and facilities, housing and employment. The divulgation of discriminatory facts and propaganda inspired by hatred are also banned under this Act.

United States

74. In the United States, the Civil Rights Act of 1964 prohibits discrimination in public places and in employment. It reinforces the provisions aimed at enforcing desegration in public schools and in all services provided under the Federal Administration and in programmes assisted by the Federal Government: housing, hospitals, health and social welfare. Under the more recent civil rights legislation adopted in 1968, any attempt to prevent anyone from exercising his fundamental rights as an individual is deemed a criminal offence; furthermore, this legislation prohibits discrimination in the sale and rental of housing, whether private or public.

75. Other countries have incorporated into their Penal Codes provisions which essentially prohibit racist threats or insults and incitement to racial hatred and racist violence. This is the case with Australia, Denmark, Germany, Spain, Norway, the Netherlands, Portugal and Sweden. The organization of, and participation in, racist activities are also prohibited under the Penal Codes of Spain, the Netherlands and Portugal.

76. With a view to Switzerland's accession to the International Convention on the Elimination of All Forms of Racial Discrimination, the Federal Council has submitted to the Federal Parliament a bill providing for the inclusion in the Swiss Penal Code of an article (art. 261 (b)) prohibiting racist propaganda, the infringement of human dignity on racist grounds and the refusal to provide publicly offered goods or services for racist reasons.

77. Despite the existence of anti-racist legislation in most European States, the report of the European Parliament finds that its enforcement is sometimes liable to have perverse effects due to the fact that remarks, verbal abuse and insults of a racist nature have evolved: they are finding new means of expression in more legal contexts, frequently flouting freedom of expression and sometimes even making a mockery of it (No. 6: op. cit., p. 57).

Belgium

78. Thus, in Belgium, the anti-racist Act of 30 July 1991 has given rise to convictions only on very few occasions. In 1985 and 1986, of the 343 complaints recorded in Brussels under this Act, 317 were ruled inadmissible as being without legal basis. In 1987, the number of cases submitted fell to 93, of which 82 were deemed inadmissible and three led to convictions. The following year, 83 complaints were filed, of which 70 were deemed inadmissible and only one resulted in a conviction. One of the successful cases involved, in 1987, a young North African who was convicted for having described a politican as racist (No. 6: op. cit. p. 57).

Denmark

79. In Denmark, when, before the 1987 elections, a member of the extreme right Fremskridt (Progress) Party, speaking about refugees on a local radio station, spoke of "horrible terrorists coming to us from the Middle East and Sri Lanka" and "breeding like rats", the prosecution service and the Ministry of Justice considered that those remarks did not constitute sufficient grounds for conviction under article 266 (b) of the Penal Code, given the context and the way in which they had been uttered (No. 6: op. cit. p. 61).

Germany

80. In Germany, there is an apparent reluctance on the part of the Government Prosecutor's Office and the police to prosecute acts of violence of a racial character or to admit that they were prompted by racism. By way of example, two men responsible for the death of an Iranian asylum-seeker in 1988 were

given a suspended sentence of 18 months' imprisonment. The Tübingen Court (Baden-Württenberg) accepted the defence's argument that the two men, who were supermarket employees, had mistaken the victim for a shoplifter and held that the victim's behaviour had contributed to that "tragic accident" (No. 6: op. cit. pp. 62-63).

France

81. Very often, in France, the penalties imposed or measures adopted in cases of racist violence or murder have been so light that they have caused indignation and anger among immigrants. Moreover, humanitarian associations have noted that the anti-racist legislation of 1972 has really been enforced only in cases involving the press, and judicial decisions in this area give the impression that the law has had the effect only of exacerbating feeling against foreigners. The courts have interpreted it in an increasingly restrictive sense. It should, for example, protect groups of persons against discrimination: judges now demand that the expression "groups of persons" be clearly determined, and in fact immigrants as such do not constitute a group. Furthermore, the National Advisory Commission on Human Rights observes that there are difficulties in the classification of offences: in certain cases, there is no doubt about the racist motivation underlying an offence against persons or property, particularly when it is claimed as such by the perpetrators, if they are identified. In other cases, it is more difficult to know whether what is involved is a racist offence: obviously, the victim's race or religion alone cannot provide grounds for stating that it is an offence prompted by racist considerations. (No. 2: op. cit., p. 28). However, the Commission notes a tendency on the part of the courts to impose more severe penalties; they are no longer hesitating to impose non-suspended prison sentences and fines which are often heavy (of the order of 50,000 francs).

Australia

82. Following its inquiry into racist violence in Australia, the Human Rights and Equal Opportunity Commission concluded that Australian legislation does not provide an effective means of combating such violence and accordingly proposed that acts originating from racist violence should be treated as separate offences - as serious criminal offences. It recommends that the Federal Crimes Act should be amended to cover crimes of violence or racist intimidation (No. 29: op. cit., p. 297).

United States

83. In the United States, the outstanding judicial development was undoubtedly the acquittal, last April, of four white policemen who were proved to have beaten up an African-American in March 1991; that acquittal led to two days of rioting.

2. Administrative and other measures

84. Several European States have established organizations or institutions to prevent or combat racial discrimination.

Spain

85. In Spain, the institution of the Defensor del Pueblo (Ombudsman), categorized as a "senior representative of Parliament", has been given general responsibility for safeguarding the human rights set forth in Title I of the Constitution, which include the right to non-discrimination. The Defensor del Pueblo serves as a valuable instrument in efforts to combat racial discrimination since he can receive complaints motivated by an act of discrimination; he may also propose human rights legislation to Parliament.

Austria

86. Austria has appointed mediators to receive complaints from anyone who claims to have been a victim of abuse on the part of the federal administration. Apart from the consideration of complaints, the mediation service is responsible for submitting an annual report on its activities to the National Council. In this report, the Service not only informs the legislature of the complaints submitted to it and the measures taken, but also makes suggestions for legislative action.

France

87. In France, departmental units to combat racism were set up in 1990, by the Prime Minister, in three departments, the Bouches-du-Rhône, Bas-Rhin and Nord. Under the chairmanship of the prefects, these units are characterized by a very broad membership comprising representatives of the authorities (police, social affairs and health, labour and employment, community facilities, young people and sports), local councillors, the representative of the Bar Association and anti-racism associations. These units have been given operational and specific responsibility for:

(a) Noting racist activity and initiating alert procedures;

(b) Collecting information on the enforcement of laws and regulations and local enforcement of criminal policy in order, in particular, to improve the harmonization of proceedings initiated by the Government Prosecutor and by specialized associations;

(c) Evaluating activities to combat racism and promoting local initiatives aimed at prevention and training in prevention;

(d) Promoting communication between the authorities concerned, local associations and the national coordinating unit for efforts to combat racism (No. 2: op. cit., p. 96).

After a year's operation, the Minister of the Interior finds that these units have enabled the various partners to get to know each other better by eliminating preconceived ideas and mutual prejudice. This improved acquaintance has promoted understanding and, hence, the capacity and will to act jointly to strengthen the prevention and punishment of racism through concrete measures.

88. The National Advisory Commission on Human Rights is, for its part, closely following developments in racism and xenophobia and it reports annually on their various manifestations. It makes recommendations to the Government with a view to the adoption of legislative and administrative measures intended to curb these phenomena. It provides liaison between the various partners of the State and civil society engaged in efforts to combat racism and xenophobia.

Netherlands

89. In the Netherlands, the National Bureau Against Racism (LBR) was founded in 1985. This organization consists of representatives of: (a) organizations headed by minority groups and social organizations dealing with minority groups (b) organizations such as trade unions, the Council of Churches, etc.; (c) legal services (organizations dealing with human rights and legal assistance). The role of the Bureau, which is subsidized by the Government, is to combat racial discrimination by legal means. Victims of discrimination may approach the Bureau for assistance in obtaining compensation. Another of its goals is to increase understanding of the nature and extent of racial discrimination in the Netherlands (No. 32: T. Hessels, 1986).

United Kingdom

90. In the United Kingdom, the aim of the Commission for Racial Equality is to eliminate discrimination and promote equality of opportunity. The Commission may, at its discretion, provide assistance to any actual or potential complainant. It has a legal obligation to monitor enforcement of the Race Relations Act of 1976 and, if necessary, to propose amendments to the Government. It also subsidizes the community relations councils, which are voluntary organizations whose aim is to eliminate discrimination at the local level.

Sweden

91. In Sweden, the Ombudsman against ethnic discrimination is responsible for combating discrimination through mediation and counsel, in the labour context and in other areas. He has three main tasks:

(a) To deal with cases which have come before him as a result of complaints or reports or which he has taken up on his own initiative, in which individuals or groups may have been subjected to ethnic discrimination;

(b) To take measures of a general nature in order to combat ethnic discrimination;

(c) To advise the Government and other organizations on new legislation or measures intended to combat ethnic discrimination.

An Advisory Committee on Ethnic Discrimination, composed of a Supreme Court judge and two politicians, one from the party in power and the other from the opposition, assists the Ombudsman. Its main task is to advise the Ombudsman on questions of principle, to make proposals for legislative amendments and to consider individual cases.

Switzerland

92. In Switzerland in 1970, the Federal Council established the Federal Commission on Foreigners (CFE), with responsibility for establishing means of achieving better coexistence between Swiss and foreigners, and promoting and supporting any initiative taken to that end. The Commission stresses two main points: first, it lends its assistance in making more understandable to Swiss men and women the different attitudes of foreigners and the problems with which foreigners are confronted. And secondly, it supports efforts to help foreign men and women live in the Swiss environment, learn about local attitudes and maintain good relations with the Swiss population.

3. Police measures

93. In France and the United Kingdom in particular, measures have been taken to improve relations between the police and foreigners, immigrants and ethnic minorities.

France

94. In France, lectures on legislation to combat racism have been incorporated in the training progamme for police officers. Teaching has also been strengthened through the use of outside lecturers: specialized magistrates, teachers, cultural representatives, human rights associations. Set up on an experimental basis in a few police colleges in October 1990, the training course has been gradually extended to all police colleges. The lectures enable cadets to gain a better idea of the present situation and the precise role of the authorities and services subordinate to the Ministry of the Interior (No. 2: op. cit., p. 85).

95. The Minister of the Interior also promotes preventive measures in several areas:

(a) The General Information Department is responsible for surveillance of extreme right-wing circles. On the particular problems of anti-Semitic and revisionist propaganda, documents liable to give rise to proceedings are systematically transmitted to the Department of Public Freedoms and Legal Affairs, together with all known information on distribution channels and authors;

(b) Measures specifically aimed at preventing racism include the protection of sensitive targets (cultural sites and cemeteries) by mobile patrols or permanent guards, and regular instructions on the need for vigilance with regard to the issue of tracts and wearing of neo-Nazi insignia;

(c) Another measure that has an effect on preventing racist phenomena lies in activities to enable the various population groups to "live better together", through mutual knowledge and understanding or as a result of community work by police officers (neighbourhood or community policing in the large urban centres and sensitive districts, sporting activities organized by police officers, recreation centres run by the police, etc.);

(d) Lastly, police forces have been increased in order to maintain order in the sensitive suburbs and housing estates of the greater Paris area. Lyon and Marseille can call on reinforcements from a Compagnie Républicaine de Sécurité, and mobile reinforcements are sent to other large cities as needed.

United Kingdom

96. In the United Kingdom (No. 33: CERD report 1988), police measures have involved increasing recruitment of officers from the ethnic minorities, improving police training, promoting consultation between the minorities and the police, and effectively combating racist attacks. In order to increase recruitment of members of the ethnic minorities, the Home Office has taken the following steps:

(a) Her Majesty's Inspectors of Constabulary carefully monitor the steps which forces are taking to increase ethnic minority recruitment;

(b) Special advertising campaigns continue to be run for three months each year in the ethnic minority press, using advertisements in the appropriate language;

(c) For the past two years, advertising campaigns have been run in the local (English language) newspapers in areas with large ethnic minority communities;

(d) A revised version of the special recruiting leaflet has been produced both for use by police forces in visits to temples, mosques, youth clubs and other places where they meet members of the ethnic minorities and for issue to members of the ethnic minorities who respond to the advertising campaigns;

(e) A new entrance test for the police service is being prepared with the purpose of eliminating possible discrimination and addressing more directly than does the present test the qualities and abilities which are required in order to do the job of a police officer.

97. In police training, a new modular course covering the whole of the two-year probationary period, with periods of full-time study interspersed with structured practical experience under supervision, has been implemented; community and race-relations issues and human-awareness training have been integrated with the technical and legal content; and the examination-based assessment process has been replaced by a broader assessment covering community and race relations and the social skills of policing on the same terms as the factual material.

98. Many police forces continue to make community and race relations an integral part of their management and developmental training, and the Metropolitan Police continues to run its successful policing skills course. In addition, a joint Central Planning and Training Unit and Metropolitan Police project is in hand to produce an improved national training course for

the key supervisory ranks of sergeant and inspector. The Metropolitan Police has run a training programme designed to provide training in equal opportunities for 1,000 officers of chief inspector to commander rank.

99. The Police Staff College "Carousel Courses" provide training in community and race relations for middle and senior-ranking officers, and particularly for those officers in charge of police divisions or subdivisions with significant ethnic minority communities. In addition, the government-funded Centre for the Study of Community and Race Relations at Brunel University continued to provide courses for the police in 1986 and 1987, and the Government continued to support national courses run by the Derbyshire Police Training School and by Manchester University.

100. In the aftermath of disturbances in certain inner city areas, the United Kingdom authorities have recognized that positive and innovative steps should be taken to improve relations between the community and the police, particularly in areas with a high ethnic minority population. The Police and Criminal Evidence Act of 1984 placed a statutory duty on all police authorities in England and Wales, and on the Commissioner of Police in London, to make arrangements for obtaining the views of local people about policing matters in their area. In almost every part of England and Wales, a consultative committee structure has been set up to discharge this responsibility, although in a few (mostly rural) areas the arrangements are less formal. The format of these consultative committees varies according to local circumstances, but generally they consist of local councillors, Members of Parliament, community representatives and police officers. In the great majority of cases, members of the public are admitted and are able to participate in the committee's discussions. The statutory consultative arrangements are complemented by a wide range of non-statutory contacts between the police and the community. The police put particular effort into liaising with young people and with minority ethnic and religious groups.

101. As regards racist acts, the United Kingdom Government has undertaken an energetic and open wide-ranging campaign against racial attacks and harassment, and against the types of behaviour that give rise to such incidents. The police have improved their response to racial attacks and harassment. The Government has also taken action to assist the police in this respect:

(a) In July 1986, the Home Affairs Sub-Committee on Race Relations and Immigration (SCORRI) published a report on its inquiry into racial attacks and harassment. The Government welcomed the report's recognition of the efforts that had been made by the police and others to improve the response to racial incidents, but it accepted that there was no room for complacency while such attacks continued to blight the lives of many members of ethnic minority communities; it responded positively to the Sub-Committee's recommendations;

(b) In December 1986, the Home Office issued guidance to all chief police officers on good practice in responding to racial attacks and harassment;

(c) In response to SCORRI's call for a multi-agency approach at local level to the problems of racial attacks and harassment, the Government has established an inter-departmental committee - the Racial Attacks Group (RAG) - which reports to the Ministerial Group on Crime Prevention and has a mandate to consider the scope for greater cooperation between the police and other agencies in preventing and dealing with racial attacks, and to give support to the development of local multi-agency approaches to combating such attacks.

102. In London, the Commissioner of the Metropolitan Police made action against racial attacks on one of his force's goals for 1987 and again for 1988. In January 1986, the Metropolitan Police issued published guidelines for the recording and monitoring of racial incidents. These guidelines included minimum requirements in respect of the response to reported racial incidents, together with various options which could be adopted by police divisions in accordance with local needs. These good-practice guidelines were supplemented in July 1987 by the issue of a Metropolitan Police order which promulgated a more vigorous approach to the investigation and prosecution of racially motivated minor offences.

103. In January 1987, the Metropolitan Police launched a racial harassment publicity campaign in the boroughs of Newham and Ealing with the twofold objective of giving crime prevention advice to potential victims and encouraging the reporting of such incidents. A central feature of this campaign was the wide distribution of literature, including an action guide translated into five Asian dialects. This campaign has now been evaluated and a revised campaign was launched in March 1988 in the nearby London boroughs of Redbridge and Tower Hamlets. In addition, 2 Area (which is the Metropolitan Police area containing the London borough of Newham) has held three annual seminars at which the police and representatives of the community have met to discuss racial attacks and harassment. The Home Office, the Metropolitan Police and the London borough of Newham have also reached agreement in principle to cooperate on a multi-agency action project designed to prevent and combat racial incidents in the Plaistow North area of Newham.

104. Police forces in other parts of the country have continued to introduce new initiatives designed to improve their response to racial attacks and harassment. A number of issue leaflets in minority languages giving advice on the reporting of racial incidents, and two forces - West Yorkshire and West Midlands - have introduced telephone "helplines" in minority languages to make the reporting of incidents easier. In addition, the West Midlands police have established multi-agency liaison clinics at which representatives of local community groups and local statutory agencies discuss the response to racial incidents which have been reported to the police.

Australia

105. Following its inquiry into racist violence in Australia (No. 29: op. cit., pp. 332-333), the Human Rights and Equal Opportunity Commission has submitted to the Government a number of recommendations aimed at modifying the attitude of police officers. The Commission recommends that:

(a) Racist violence, intimidation and harassment by members of the police forces be considered a serious breach of duty and attract severe penalties, including dismissal from the force;

(b) State and Federal police forces promote the establishment of community justice mechanisms in areas where such schemes would be appropriate;

(c) Police training include appropriate education in cultural issues and community relations and provide for supervised placements in areas with significant numbers of persons of Aboriginal and non-English backgrounds;

(d) The elimination of racist attitudes and practices be accorded an essential place in the recruitment and training of police, and that such attitudes and practices not be condoned in policing operations;

(e) Federal and State police forces promote the recruitment of persons of Aboriginal and non-English-speaking backgrounds, and provide special training programmes to ensure that persons of those backgrounds are able to meet recruitment standards and prerequisites;

(f) People of Aboriginal and non-English-speaking backgrounds be involved in the development of curricula and materials for police training in cultural issues and community relations, in the presentation of training programmes and in the assessment of trainees.

Federal and State police forces require experience and proven ability to work effectively with people of Aboriginal and non-English-speaking backgrounds as prerequisites for promotion.

4. Educational measures

106. A number of European countries have incorporated human rights instruction into school and university curricula. Other States have taken steps to improve the education of children from ethnic minorities or with immigrant parents.

Belgium

107. A ministerial circular stipulates that human rights instruction at the primary and secondary levels must be provided throughout the year and not merely on the anniversary of the Universal Declaration of Human Rights. Human rights issues are part of special social science lessons taught in a number of secondary schools. At the higher level, human rights are no longer solely taught in law faculties, but are also addressed in one way or another in connection with other subjects. Efforts are also made to facilitate the pre-school and primary education of the children of migrant workers (No. 34: CERD report, 1991).

Germany

108. An initiative has been taken to provide schooling for Sinti and Romany children (No. 35: CERD report, 1989). As part of the joint "Education planning" project the Federal Minister for Education and Science, in cooperation with the Land of Bremen, has launched a pilot scheme to improve the learning conditions for Sinti children in school. The experiment is being conducted by the Bremer Sinti-Verein e.V. (Bremen Sinti Association) with the support of all Länder. It covers eight main fields of work, including the use of mobile school-accompanying aids designed to integrate the Sinti children into regular institutions and the preparation of recommendations for the schooling of Sinti children.

109. Arrangements have also been made to ensure that all young Sinti and Romany Gypsies are able to make full use of the entire range of services offered by vocational counselling. Thanks in particular, to personal advisory talks, these young people are offered training suited to their individual situation and informed of alternative occupations. Within the framework of the Programme to Further the Vocational Training of Disadvantaged Young People, young Sinti and Romany Gypsies are also able to receive training in recognized occupations. The Programme's supporting measures make it possible to eliminate any educational deficiencies or social problems which would jeopardize the success of the training if no accompanying support were given. The Programme's training measures can, if appropriate. take into account occupational traditions in the range of recognized occupations for which training is given.

France

110. The programmes drawn up by the Ministry of Education have stipulated the importance to be attached to combating racism and promoting human rights in the education of primary and secondary-school students (No. 15: op. cit., paras. 47-51). These issues are principally addressed in primary and secondary schools as part of special civic education programmes; in the lycées civic education is incorporated into history and geography. In elementary teaching, the ministerial decree of 15 May 1985 in particular specifies that human rights issues are to be studied for one hour a week as part of civic education. In the secondary schools, civic education is taught for one hour a week from the first form to the fourth form. The various programmes include sections on cultural diversity, the harm caused by racism to respect for the individual, and study of the fundamental human rights instruments.

111. Bearing in mind that the struggle against racism and human rights instruction could not be confined to imparting knowledge, but should also be reflected in acts and in behaviour at school, the Ministry of Education has implemented three types of educational activity:

(a) Priority education policy (ZEP): this is designed significantly to enhance school achievement and make it easier to form part of society;

(b) National education projects: this operation is carried out with the support of the Social Action Fund for Immigrant Workers and Their Families and aims to improve knowledge of the human, historical and cultural diversity of France's heritage. Another operation has made it possible to link up French schools and schools in sub-Saharan countries;

(c) Local education action projects: these projects, which have been implemented in various educational districts, are an essential contribution in combating racism and xenophobia, and take a wide variety of forms, in terms of both subjects and methods. The most common topics are about developing an awareness of differences, promoting human rights, knowledge of developing countries and North-South relations. Ground-breaking educational methods are frequently employed: exhibitions, video production, murals, publication of newspapers or brochures, theatre, music, dance.

Italy

112. In Italy the government authorities endeavour to identify satisfactory solutions and to encourage an educational campaign at various levels, beginning with schools, in order to foster a better understanding of the problems caused by the economic and social crisis which has buffeted many third world countries, and from which Italy itself is not immune. The crisis has forced large numbers of workers, regardless of the regulations governing their entry into a country, to seek more stable conditions of employment and a better standard of living for themselves and their families.

United Kingdom

113. The Government of the United Kingdom encourages the education authorities to give greater consideration to cultural and ethnic diversity (No. 33: op. cit.). It has pursued its activities in this sphere in accordance with the guidelines of the report by the Committee of Inquiry into the Education of Children from Minority Ethnic Groups, published in 1985. The Government accepted the Committee's conclusion that the number of teachers from ethnic minority groups was too low, and agreed with the Committee's view that the main source of supply of ethnic minority teachers in the future should come from young people who had completed school or higher education in the United Kingdom with the conventional qualifications. To this end, recruitment publicity produced by the Department of Education and Science (DES) now better reflects the desirability of increasing the proportion of ethnic minority teachers in the teaching force. This aim also forms part of the remit of the Teaching as Career Unit, which began work in April 1987.

114. In addition, the Government accepted that there was scope for specific initiatives. The Department of Education and Science has been working with a number of institutions for initial teacher training to establish new training courses likely to attract ethnic minority applicants with overseas qualifications. With regard to underachievement among certain minority groups, the Government has submitted a bill for educational reform, one of the fundamental objectives being to raise standards for all pupils. The development of a National Curriculum and arrangements, through assessment and

testing, for monitoring the pupils' performance and progress, will provide a foundation for improvement. The ethnic and cultural diversity of the school population and society at large is being taken into account in preparing objectives and programmes of study for subjects included in the National Curriculum.

115. The Government of the United Kingdom has continued to work to ensure that the education provided in school takes account of the ethnic and cultural diversity found in the United Kingdom. It has continued to provide funding under the Education Support Grant Scheme for pilot projects related to meeting educational needs in a multi-ethnic society. Some 70 projects costing £2 million received support in 1987/88. Activities include the establishment of resource centres, curriculum development and work to produce teaching materials, in-service training of teachers, and some activities specifically designed to promote good race relations, for example by organizing exchange visits through twinning schemes between schools with high and low numbers of ethnic minority pupils. A further 50 projects, costing £2 million in a full year, were started in 1988/89.

116. The DES has continued to fund and provide guidance to research in ethnic minority education. The project funded by the Commission of the European Communities (EC) has completed its work on the teaching of ethnic minority community languages in the secondary curriculum and has produced teaching materials and syllabuses. The EC is currently funding a project at the University of Nottingham to support linguistic diversity in the primary classroom through the development of in-service training courses for teachers and teacher-trainers.

Portugal

117. A number of initiatives have been taken in education. For example, the recently established Secretariat for the Coordination of Multicultural Educational Programmes, aims to coordinate and promote, within the educational system, programmes and actions designed to provide education through the values of brotherhood and tolerance, dialogue and solidarity among peoples, ethnic groups and cultures. Efforts to integrate minorities have provided a basis for joint initiatives by the central and local administrations currently under way in some schools and designed to assist pupils with difficulties in school adjustment; the activities include assistance for foreign pupils by specialists and teachers who speak their mother tongue. Under the programme to combat failure at school, another project involving 24 schools seeks to improve learning among pupils with problems of cultural adjustment.

Switzerland

118. On 6 June 1991 the Conference of Cantonal Heads of Public Education adopted a declaration welcoming Switzerland's planned accession to the International Convention on the Elimination of All Forms of Racial Discrimination and noting that the universal problem of human rights, as well as the coexistence in Switzerland of people from other countries and

from other cultures was a challenge to the Swiss educational system. The Conference reasserted its attachment to the principles of full integration of foreign children and young people as well as its appreciation of their distinct culture and its determination to use it positively. The Conference noted that the duty of schools, at all levels, was to teach pupils to respect others, to develop tolerance among religious, ethnic, social and other groups and peace among peoples. Teaching and education at school should ensure that pupils develop an awareness of the blatant and hidden forms of racism and encourage them to combat them, and that foreign individuals and groups are able to meet openly and without fear. These principles should in particular be taken into account in teacher training and in-service training as well as in shaping school curricula and teaching methods. On 24 October 1991 the Conference also transmitted to the cantons new recommendations for the schooling of children with a foreign mother tongue.

119. Furthermore, the secretariat of the Swiss National Commission for UNESCO has established a group of associated schools to provide them with teaching material and help develop pupils' awareness of different cultures. As part of its youth policy the Confederation has also developed a number of activities. For example, the ordinance on encouraging extracurricular activities by young people provides for financial support for youth exchanges, which unquestionably make a major contribution towards diminishing racial or national prejudice. The same ordinance also stipulates that organizations which encourage active involvement by young foreigners deserve special assistance. The Confederation has also paid a number of subsidies in these areas: for instance, it has provided financial support for the anti-racism campaign organized by the Swiss Council for Youth Activities. Furthermore, the Confederation provides scholarships for foreign students and artists, thereby helping to ensure that other cultures are actively represented in Switzerland. Lastly, it should be noted that the Federal Commission for Young People has analysed racism among young people in a partial report recently published on the situation of young people in Switzerland (No. 16: op. cit.).

5. Social measures

120. Several European countries have set themselves the task of promoting the integration of immigrants and ethnic minorities into their societies. Measures have thus been taken to improve the living conditions of these populations, to regularize the situation of clandestine immigrants, and to develop associative and cultural activities within immigrant communities.

France

121. France's current immigration policy is along two principal lines: on the one hand, control of migratory flows and efforts to restrict clandestine immigration, and on the other, facilitating integration of the foreign population or the population of foreign origin (No. 2: op.cit, pp. 251-253).

122. Since 1973 most French departments have set up centres to provide information and guidance in order to help migrant workers when they first arrive in France. One of the priorities of the integration policy is

receiving families arriving for the first time (39,000 persons in 1990). An inter-ministerial circular (Ministries of Social Affairs and Integration, Education, Housing) is currently being prepared. It aims in particular, as part of a departmental plan, to improve information on family arrivals, more deeply involve non-governmental social services and encourage the participation of "helping hands" who are themselves from an immigrant background. Other measures concern housing and urban policy. The housing measure is for the underprivileged as a whole, a large proportion of whom are of foreign origin. Thus, Act No. 90-449 of 31 May 1990 makes it compulsory to draw up a plan of action in each department to provide housing for the underprivileged.

123. Integration of foreigners is one of the main challenges for urban policy, whatever procedures are adopted. For example, the Ministry of Social Affairs and Integration earmarks considerable funds for programmes for the social development of districts in support of integration measures (72 million francs in 1991). Circular No. 2 of 22 March 1991, jointly signed by the Minister of Social Affairs and the Minister for Towns and Cities, draws attention on the one hand to the fundamental factors in urban integration (housing, community life, health, etc.) and the importance of action for young people. It also stresses the fundamental role of departmental social welfare departments in social follow-up for measures in urban areas. Such follow-up and coordination will first and foremost apply to the following:

(a) The 60 pilot sites (designated in a circular from the Prime Minister, dated 25 July 1990) which, because of the particular problems posed, receive additional and exceptional support in terms of financial and human resources;

(b) The 40 urban contracts now in force, intended to assist specific local communities to implement a comprehensive programme for the integration of immigrants in the town or city; the flexible nature of this approach is particularly suited to small or medium-sized communes with genuine problems of integration which nevertheless do not justify the use of more cumbersome methods.

124. In addition, the Ministry of Social Affairs, in coordination with the interministerial delegation for towns and cities, has launched the first pilot schemes involving ombudsmen for coexistence. The aim is to implement measures in high-risk areas (a high proportion of foreigners, economic and urban development problems) to make it possible to defuse conflict and to settle certain problems of coexistence and daily life through mediation. Two ombudsmen were appointed in 1991, in Marseille and Dreux. An appraisal of their activities will shortly be prepared and the possibility of extending this measure to other places will be considered.

125. The Ministry of Social Affairs is also attempting to forestall situations in which immigrants meet with failure and tend to become marginalized. Such situations, encountered whether on leaving school, in seeking employment, or more generally in finding a place in society, make for greater vulnerability and give immigrants an adverse image in the eyes of the nation as a whole,

thereby aggravating the risk of discrimination. One of the main aims of the Ministry of Social Affairs and Integration is to forestall the danger of social exclusion by ensuring, on the one hand, that legal measures adopted to ensure integration are actually of benefit to the population of foreign origin, and on the other, by implementing a number of specific measures. Furthermore, the Ministry's funds are used to provide significant support for associations in the front line of the struggle against racism and xenophobia (International League against Racism and Anti-Semitism (LICRA), Ligue des droits de l'homme (LDH), Movement against Racism and for Friendship between Peoples (MRAP), SOS-Racisme, France Plus ...).

United Kingdom

126. The Government of the United Kingdom has given powers, in the Housing Act of 1988 and the Local Government Act of 1989, to the Commission for Racial Equality (CRE) to issue statutory codes of practice in the field of housing (No. 36: CERD report, 1990). The codes, which will be admissible as evidence in court proceedings, will explain the operation of the Race Relations Act of 1976 in relation to housing and will give examples of good practice in implementing equal opportunities policies in the field of race. The first code of practice, covering rented housing, has been the subject of widespread consultation and was issued at the end of 1990.

127. Over the past two years the CRE has published a number of reports. Of particular significance were the reports of its formal investigations into the housing policies of Liverpool City Council and Tower Hamlets Council in London, resulting in the service of statutory notices on those councils requiring anti-discrimination measures to be taken.

128. The Housing Act of 1988 and the Housing (Scotland) Act of 1988 extended to the Housing Corporation, Tai Cymru and Scottish Homes the duty originally placed on local authorities by the Race Relations Act of 1976, namely to seek to eliminate racial discrimination and promote equality of opportunity. The Housing Corporation and Tai Cymru are the statutory agencies in England and Wales respectively which promote, supervise and fund housing associations to provide low-cost homes. The new duties imposed on them reflect the increased role in housing supply which the housing association movement is now expected to play. In January 1990, the Housing Corporation issued a circular outlining its own racial equality strategy and giving advice on its expectations of housing associations in England. More generally, the Corporation is midway through its five-year programme aimed at improving the housing prospects of the black and ethnic minority communities.

129. Scottish Homes was established under the Housing (Scotland) Act of 1988. Its functions are to improve the supply, quality and choice of housing, housing management, and the environment and to promote and assist housing associations, in Scotland. Scottish Homes has prepared guidance, which will be issued shortly to housing associations, reaffirming its commitment to racial equality. Scottish Homes is also currently working up a policy on racial equality in relation to its own housing stock.

130. The City of Birmingham, which is the largest housing authority in England, has implemented a vast housing renewal programme, more particularly for ethnic minorities, who account for about 45 per cent of the households in this city. There are, in addition, a large number of housing associations operating in the inner city areas specializing in providing housing for rent and for sale to people in need. Some concentrate mainly on ethnic minority groups and some are run by members of ethnic minorities. Funding is mainly by the authorities in the form of Housing Association Grants.

131. Where social services are concerned, the Department of Health and Social Security's Social Services Inspectorate has, for the past four years, carried out inspections and organized development activities aimed at promoting race equality within Local Authority Social Services Departments. The Inspectorate produced a report in November 1988 - "Social Services in a Multi-Racial Society" - which highlighted some of the key issues raised during a programme of inspections carried out in 1986/87. The inspectors will continue to promote developments in personal social services agencies through their work and by undertaking further inspections and development projects aimed particularly at services for black and minority ethnic people.

132. In the field of health, the Government is fully committed to promoting equal opportunities in health service delivery and health care employment. This involves positive action to take account of differences in language, culture and religion. The Department of Health has been pursuing initiatives to improve the quality of health care for ethnic minorities and to promote their understanding of the health services which are available. With regard to social security, the Department of Health and Social Security (DHSS) aims to provide members of ethnic minority groups with effective access to the whole range of information about the social security system; to ensure they understand their rights; and to ensure they can make informed decisions about claiming. Most offices in areas with significant ethnic minority communities have members of those communities on their staff. These, supported by claimants' friends, relatives and ethnic minority community support groups, can normally provide an effective service.

Italy

133. The Government of Italy has decided to develop a system of protection and safeguards for all foreign citizens allowed into Italy. The relevant legislation is designed to achieve two principal objectives: on the one hand, to regularize the presence and work of citizens from outside the Community who were living in Italy on 1 December 1989; second, to create a system to control entry into Italy organized in such a way as to provide the necessary safeguards for both work and integration into Italian society. According to the innovative principle underlying the law, once unlimited immigration passes a certain threshold, it leads to manifestations of xenophobia and rejection by the local population. Hence the need, addressed by the Act, to regulate residence, modes of entry and immigration.

134. A regularization act applicable until 30 June 1990 allowed more than 200,000 foreigners from non-Community countries to regularize their situation and to obtain a two-year residence permit. The beneficiaries could register with employment offices on the same terms as resident workers or in any case regularize their employment situation. As a means of controlling this phenomenon and avoiding the drawbacks described, the Act stipulates that the Government must draw up criteria for programming future immigration flows into Italy. However, the Government's commitment in this sphere is not restricted to the Act in question. Parliament will shortly examine standards for assistance in the social, cultural and health fields, as well as education and housing.

Portugal

135. The concern to integrate foreigners is reflected in a number of legislative texts which set out measures specially intended for ethnic or cultural minorities. As far as the mass media are concerned, Act 58/90, relating to television, defines the following objectives:

(a) Furthering the education of the public, by taking into account its diversity in terms of age, occupation, interests and origins;

(b) Promoting mutual understanding and the exchange of ideas between Portuguese and foreigners, in particular those who speak Portuguese;

(c) Promoting and developing educational or training programmes, particularly for children, young people or cultural minorities.

6. Measures taken at the European level

136. A variety of measures have been adopted within the framework of the European Community. These include the Joint Declaration against Racism, Racial Discrimination and Xenophobia and for harmonious relations among all the communities in Europe (No. 6: op. cit., p. 116). The Declaration was jointly signed on 11 June 1986 by the Presidents of the European Parliament and of the Council of the European Communities and by the Commission of the European Communities, as well as by the representatives of the Member States.

137. On 24 May 1988 the Council and the Ministers of Education meeting within the Council adopted a resolution on the European dimension in education (No. 6: op. cit., p. 126). Between 1988 and 1992 the 12 Member States were to launch a series of concerted measures as a contribution, in particular, "to strengthen in young people a sense of European identity and of the foundations on which the European peoples intend to base their development today, that is in particular the safeguarding of the principles of democracy, social justice and respect for human rights". The resolution aims to "encourage contacts and meetings across borders between pupils and teachers from different member States at all levels in order to give them direct experience of European integration and the realities of life in other European countries".

138. On 15 June 1988, some 270 deputies representing the various political groups (with the exception of the European right) submitted a written declaration designed to remind the Community institutions and member States of the 1986 Joint Declaration against Racism and Xenophobia (No. 6: op. cit., p. 127). This written Declaration called on the President of the European Parliament to organize a public symposium on racism in Europe and to write to the Governments of all the member States asking them to give details of the steps that they had taken in response to the Joint Declaration; it also called on the Commission to enter in the 1989 preliminary draft budget an appropriate amount so as to enable a European Migrants Forum to be set up.

139. Pursuant to the written Declaration of June 1988, Lord Plumb, the then President of the European Parliament invited all the Heads of State and Government of the 12 member States, as well as the presidents of all the political groups in the European Parliament to a symposium on "Europe Against Racism" held at Strasbourg on 13 March 1989 (No. 6: op. cit., pp. 128-129). Although the Belgian, Greek and Netherlands Governments were not represented at the symposium, the statements made by the representatives of the other Governments and political groups in the Parliament revealed a consensus on the need to implement measures to combat the resurgence of racism and discrimination, including their new forms.

140. In September 1989 the Parliament was still dissatisfied with the measures taken by the Commission, the Council and State members to implement the 1986 Joint Declaration, and there were signs that racism, xenophobia and anti-Semitism were developing not only in several member States but emerging and reaching dangerous levels in others. This led the European Parliament to institute a new committee of inquiry into racism and xenophobia, and the membership was approved on 27 October 1989. The Committee of Inquiry submitted its report on 23 July 1990; the report has been cited at length in this document (No. 6: op. cit.).

141. Some member States of the European Communities organize special events for ethnic minorities: in Germany, Luxembourg and the Netherlands annual events lasting several days are specially arranged for these minorities. In the Federal Republic of Germany, the "Woche der ausländischen Mitbürger" (foreign citizens' week) lasting only one day, was held for the first time in 1975 thanks to an initiative by the Churches. At the beginning of the 1980s it gradually became a week-long event involving trade unions and some Federal ministries. Each day of the week is devoted to a specific issue or topic linked to immigration. On the first day, i.e. Monday, the principal topic is racism, and since 1986 Friday has been on the subject of refugees. In Luxembourg the "Festival of Immigration" is organized by migrants' associations and financed by the State. In the Netherlands, the event owes its existence to the trade unions, and in France, concerts and other events are organized from time to time by the two principal anti-racist movements, SOS Racisme and France Plus. In Spain an Immigrants' Day, organized by church and human rights groups, was held for the first time in November 1989. For its part, from 25 to 27 November 1987, the Council of Europe organized three "European days for inter-community harmony", with the slogan "Let's make the most of our diversity".

CONCLUSIONS

142. The information gathered effectively testifies to the resurgence of racism and xenophobia throughout the world and more particularly in Europe, the United States and Australia. Through the insidious praise heaped on cultural differences by the advocates of racial discrimination, the ideological content of racism has undergone a change that makes it more attractive to populations who fear and refuse to live in harmony with communities or individuals of different origin. In the last analysis, and as in the past, contemporary racism and xenophobia boil down to intolerance and lead to increasingly numerous acts of violence.

143. The States concerned have taken stock of the situation and set themselves the task of strengthening the punitive means available to them to combat racism. In particular, this involves defining new criminal offences in order to check incitement to racial hatred disguised as the nation first, prohibiting revisionist views (as is already the case in Germany and France); and increasing the penalties handed down by the courts for racist acts. It is also essential to strengthen economic and social measures to prevent the marginalization of society's vulnerable groups. It is through a combination of legal, economic and social measures that racism and xenophobia can be contained.

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